

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1373.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF "SPIRITS TURPENTINE."

On June 29, 1911, the United States Attorney for the District of Connecticut, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of four barrels of turpentine in the possession of the Apothecaries Hall Co. at Waterbury, Conn. The product was labeled "Pure Spirits Turpentine."

Analyses of samples of said product by the Bureau of Chemistry of this Department showed them to contain the following minimum percentages of mineral oil, respectively: I. S. No. 12656-c, not less than 4 per cent; 12657-c, not less than 4 per cent; 12658-c, not less than 4.8 per cent; 12659-c, not less than 4.4 per cent. The libel alleged that two of said barrels of turpentine were shipped by the Barclay Naval Stores Co., of New York City, from the State of New York to the Buckingham Pharmacy Co. (Inc.) in Waterbury, in the State of Connecticut, and that two of said barrels were shipped by Charles Bang of the city of New York from the State of New York to the Buckingham Pharmacy Co. (Inc.) at Waterbury, in the State of Connecticut, and that the products remained in the original unbroken packages and were adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and were therefore liable to seizure for confiscation. Adulteration of the product was alleged in the libel for the reason that said drug product was sold and transported from the State of New York into the State of Connecticut as "Pure Spirits Turpentine," a name recognized in the United States Pharmacopœia and National Formulary, whereas said product differed, at the time of shipment, from the standard of strength, quality, and purity as determined by the test as laid down in said United States Pharmacopœia and National Formulary, and in that said product, as sold and transported, contained at the time of shipment a

quantity of mineral oil, which had been mixed with and substituted for pure spirits of turpentine. Misbranding was alleged for the reason that the containers of said product were labeled "Pure Spirits Turpentine," when in fact said product was not, at the time of shipment and delivery, in fact pure spirits of turpentine, but consisted of a mixture of pure spirits of turpentine and mineral oil, and said branding was false and misleading in that it indicated that said product consisted of pure spirits of turpentine, and in that there was no statement upon the containers of said product indicating that the product contained mineral oil, when in fact the mineral oil contained in said product was an adulterant.

On November 3, 1911, said cause coming on for trial, and Charles Bang and the Barclay Naval Stores Co. having entered their appearance by Charles Bang, as claimants of said product, and having failed to file any answer to the libel, and having consented to the issuance of a decree, the court found the product adulterated and misbranded, as alleged, and condemned and forfeited the same to the United States and ordered the sale thereof by the marshal, but with a proviso that, upon payment of all costs and the execution of a bond by claimants in the sum of \$100, conditioned that said property should not be again sold contrary to the provisions of law, it should be released to the claimants.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 31, 1912.*

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